

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED SIXTEENTH LEGISLATIVE DAY
THURSDAY, MAY 7, 2009

House of Representatives

The House convened at 10 a.m., Mr. Moyle in the Chair.

Roll call showed 62 members present.

Absent and excused – Boe, Clark, Higgins, Ringo, Shepherd(02), Shepherd(08), Trail, Mr. Speaker. Total – 8.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

Approval of Journal

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the One Hundred and Fifteenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

May 6, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1233](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker Pro Tem announced the Speaker was about to sign enrolled [S 1233](#) and, when so signed, ordered it returned to the Senate.

May 6, 2009

Mr. Speaker:

I return herewith enrolled [H 372](#), as amended in the Senate, which has been signed by the President.

WOOD, Secretary

Enrolled [H 372](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

May 7, 2009

Mr. Speaker:

I transmit herewith [S 1246](#) which has passed the Senate.

WOOD, Secretary

[S 1246](#) was filed for first reading.

May 7, 2009

Mr. Speaker:

I return herewith [H 226](#) and [H 334](#) which have passed the Senate.

WOOD, Secretary

[H 226](#) and [H 334](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

May 6, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 341](#) to the Governor at 3:20 p.m., as of this date, May 6, 2009.

CLARK, Chairman

May 6, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 211](#) and recommend that it do pass.

NONINI, Chairman

[H 211](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 32 BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING the establishment of a task force TO UNDERTAKE AND COMPLETE A STUDY to identify alternative dedicated funding sources for the Idaho state police and for the Idaho department of parks and recreation on an ongoing basis and to submit findings and any proposed legislation to the second regular session of the sixtieth Idaho legislature.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, transportation funding was an important issue in the 2009 Legislative Session and one of the sources to fund transportation in future years will shift funds away from the Idaho State Police and the Idaho Department of Parks and Recreation; and

WHEREAS, the issue of funding to the Idaho State Police and the Idaho Department of Parks and Recreation is of continued concern to the state of Idaho and a task force could identify alternative dedicated funding sources for the Idaho State Police and for the Idaho Department of Parks and Recreation on an ongoing basis to offset those funds shifted away from the Idaho State Police and the Idaho Department of Parks and Recreation to fund transportation and could submit proposed legislation to the Second Regular Session of the Sixtieth Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a task force shall be established to undertake and complete a study to identify alternative dedicated funding sources for the Idaho State Police and for the Idaho Department of Parks and Recreation on an ongoing basis to offset those funds shifted away

from the Idaho State Police and the Idaho Department of Parks and Recreation to fund transportation.

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives shall appoint three members from the House of Representatives to serve on the task force and the President Pro Tempore of the Senate shall appoint three members from the Senate to serve on the task force. In addition, the cochairs of the Joint Finance-Appropriations Committee shall serve as the cochairs of the task force. The task force shall be authorized to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the task force shall be dissolved on February 1, 2010. Prior to dissolution, the task force shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixtieth Idaho Legislature.

HOUSE CONCURRENT RESOLUTION NO. 33

BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND SUPPORT FOR A GUBERNATORIAL TASK FORCE TO CONSIDER BOTH TRADITIONAL AND NONTRADITIONAL SOURCES OF REVENUE FOR THE MAINTENANCE AND PRESERVATION OF HIGHWAYS AND BRIDGES INCLUDING, BUT NOT LIMITED TO, POSSIBLE REVISIONS TO THE RATES, METHODS AND MANNER OF CALCULATING ANY AND ALL TAXES, FEES AND REGISTRATIONS RELATING TO FUELS AND MOTOR VEHICLES AND MOTOR CARRIERS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, it is undeniable that a reliable, resilient and effective transportation system is essential for public safety and the states long-term economic health; and

WHEREAS, current funding will not keep pace with increasing costs to maintain and preserve Idahos highways and bridges; and

WHEREAS, this revenue shortfall in funding is caused by a growing need for preservation and restoration of the state highway system made even more dire by the eventual need to preserve and restore capacity projects already programmed; and

WHEREAS, the state must identify additional revenues for the maintenance and preservation of its highways and bridges to protect our existing infrastructure; and

WHEREAS, a recent legislative audit determined that a proposed revenue enhancement of \$240 million a year is merited and may even be understated; and

WHEREAS, increased funding will facilitate efficiency by allowing for better planning and help the state avoid costly federal mandates.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a gubernatorial task force is appropriate to consider both traditional and nontraditional sources of revenue for the maintenance and preservation of highways and bridges including, but not limited to, possible revisions to the rates, methods and manner of calculating any and all taxes, fees and registrations relating to fuels and motor vehicles and motor carriers.

BE IT FURTHER RESOLVED that the Idaho Legislature supports and will participate in the gubernatorial task force consisting of fifteen members and including five members from the Idaho Senate and five members from the Idaho House of Representatives.

BE IT FURTHER RESOLVED that the Idaho Legislature shall receive and consider reports and findings, recommendations and proposed legislation, if any, from the gubernatorial task force during the Second Regular Session of the Sixtieth Idaho Legislature.

[HCR 32](#) and [HCR 33](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 374

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO EDUCATION; REPEALING SECTION 4, HOUSE BILL NO. 303, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; REPEALING SECTION 33-1004, IDAHO CODE, AS ENACTED BY SECTION 5, HOUSE BILL NO. 303, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; AND AMENDING SECTION 6, HOUSE BILL NO. 303, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE.

HOUSE BILL NO. 375

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO ROADS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE DISTRIBUTIONS FROM THE HIGHWAY DISTRIBUTION ACCOUNT AND TO REVISE A CODE REFERENCE; AMENDING SECTION 41-4910, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE DISTRIBUTIONS OF TAX REVENUES FROM THE TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

[H 374](#) and [H 375](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1246](#), by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 32](#), [HCR 33](#), [H 374](#), and [H 375](#).

CLARK, Chairman

[HCR 32](#), [HCR 33](#), [H 374](#), and [H 375](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [HCR 32](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [HCR 32](#) be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chavez, Chew, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35). Total – 57.

NAYS – Burgoyne, Durst, King. Total – 3.

Absent and excused – Boe, Clark, Collins, Higgins, Ringo, Shepherd(02), Shepherd(08), Smith(24), Trail, Mr. Speaker. Total – 10.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [HCR 32](#) was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Roberts to open debate.

The question being, "Shall [HCR 32](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chavez, Chew, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35). Total – 55.

NAYS – Barrett, Burgoyne, Durst, Loertscher, Nielsen, Schaefer. Total – 6.

Absent and excused – Boe, Clark, Collins, Higgins, Ringo, Shepherd(02), Shepherd(08), Trail, Mr. Speaker. Total – 9.

Paired Votes:

AYE -- Labrador NAY -- Durst
(Pairs enumerated in roll call above.)
Total – 70.

Whereupon the Speaker Pro Tem declared that [HCR 32](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 374](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 374](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chavez, Chew, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35). Total – 57.

NAYS – Burgoyne, Durst, King. Total – 3.

Absent and excused – Boe, Clark, Collins, Higgins, Ringo, Shepherd(02), Shepherd(08), Smith(24), Trail, Mr. Speaker. Total – 10.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 374](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nonini to open debate.

Mr. Nonini asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 374](#). There being no objection it was so ordered.

The question being, "Shall [H 374](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Rusche, Schaefer, Shirley, Simpson, Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35). Total – 49.

NAYS – Boe, Burgoyne, Chavez, Chew, Cronin, Higgins, Jaquet, Killen, King, Pasley-Stuart, Pence, Ringo, Ruchti, Sayler, Smith(30). Total – 15.

Absent and excused – Clark, Durst, Shepherd(02), Shepherd(08), Trail, Mr. Speaker. Total – 6.

Paired Votes:

AYE -- Shirley NAY -- Higgins
AYE -- Jarvis NAY -- Ringo
AYE -- McGeachin NAY -- Boe
(Pairs enumerated in roll call above.)
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 374](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Roberts asked unanimous consent that [HCR 33](#) and [H 375](#) be returned to the Ways and Means Committee. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

May 7, 2009

Mr. Speaker:

I transmit herewith [S 1235](#), [S 1239](#), and [S 1225](#) which have passed the Senate.

WOOD, Secretary

[S 1235](#), [S 1239](#), and [S 1225](#) were filed for first reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

[S 1235](#), [S 1239](#), and [S 1225](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

Mr. Bedke moved that the House recess until the call of the Chair. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House at recess until the call of the Chair.

RECESS
Afternoon Session

The House reconvened at 3:15 p.m., the Speaker in the Chair.

Roll call showed 62 members present.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Prior to recess, the House was at the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 226](#) and [H 334](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 226](#) and [H 334](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 372](#), as amended in the Senate, to the Governor at 1:50 p.m., as of this date, May 7, 2009.

CLARK, Chairman

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [S 1130](#) and recommend that it do pass.

WOOD, Chairman

[S 1130](#) was filed for second reading.

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [S 1182](#), as amended, and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

[S 1182](#), as amended, was placed on General Orders for consideration.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 376
BY WAYS AND MEANS COMMITTEE
AN ACT**

RELATING TO ROADS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE DISTRIBUTIONS FROM THE HIGHWAY DISTRIBUTION ACCOUNT AND TO REVISE A CODE REFERENCE; AMENDING SECTION 41-4910, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE DISTRIBUTIONS OF TAX REVENUES FROM THE TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL; AMENDING SECTION 67-2914, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IDAHO LAW ENFORCEMENT FUND; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

[H 376](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 376](#).

CLARK, Chairman

[H 376](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 211](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 211](#) be

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Boe, Clark, Crane, Higgins, Ringo, Ruchti, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 11.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 211](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

Mr. Shirley asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 211](#). There being no objection it was so ordered.

The question being, "Shall [H 211](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Saylor, Shirley, Simpson, Smith(30), Smith(24), Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – None.

Absent and excused – Anderson, Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Stevenson, Trail. Total – 10.

Total – 70.

Whereupon the Speaker declared that [H 211](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1130](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1130](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Boe, Clark, Crane, Higgins, Ringo, Ruchti, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 11.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1130](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [S 1130](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Saylor, Shirley, Simpson, Smith(30), Smith(24), Thayn, Thompson, Wills, Wood(27), Mr. Speaker. Total – 57.

NAYS – Barrett, Takasugi, Wood(35). Total – 3.

Absent and excused – Boe, Clark, Higgins, Moyle, Ringo, Schaefer, Shepherd(02), Shepherd(08), Stevenson, Trail. Total – 10.

Total – 70.

Whereupon the Speaker declared that [S 1130](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 376](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 376](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Rusche, Saylor, Shirley,

Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 58.
 NAYS – Durst. Total – 1.

Absent and excused – Anderson, Boe, Clark, Crane, Higgins, Ringo, Ruchti, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 11.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 376](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [H 376](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Killen, Kren, Labrador, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Roberts, Ruchti, Rusche, Shepherd(02), Shirley, Simpson, Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 46.

NAYS – Barrett, Burgoyne, Chavez, Chew, Cronin, Durst, Harwood, Jaquet, Jarvis, King, Lake, Loertscher, Marriott, Pence, Ringo, Sayler, Smith(30), Smith(24). Total – 18.

Absent and excused – Boe, Clark, Higgins, Schaefer, Shepherd(08), Trail. Total – 6.

Paired Votes:

AYE -- Shepherd(02) NAY -- Chavez

AYE -- Rusche NAY -- Ringo

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 376](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until the call of the Chair. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House at recess until the call of the Chair.

RECESS
 Afternoon Session

The House reconvened at 5:50 p.m., the Speaker in the Chair.

Roll call showed 62 members present.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Prior to recess, the House was at the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 34

BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND SUPPORT FOR A GUBERNATORIAL TASK FORCE TO CONSIDER BOTH TRADITIONAL AND NONTRADITIONAL

SOURCES OF REVENUE FOR THE MAINTENANCE AND PRESERVATION OF HIGHWAYS AND BRIDGES INCLUDING, BUT NOT LIMITED TO, POSSIBLE REVISIONS TO THE RATES, METHODS AND MANNER OF CALCULATING ANY AND ALL TAXES, FEES AND REGISTRATIONS RELATING TO FUELS AND MOTOR VEHICLES AND MOTOR CARRIERS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Idaho Transportation Department (ITD) has responsibility for approximately 5,000 centerline miles of highway and nearly 1,760 bridges in Idaho; and

WHEREAS, a recent legislative audit found that current funding for transportation cannot keep pace with the growth in costs to meet Idaho's basic transportation needs of preserving and restoring Idaho's highways and bridges; and

WHEREAS, there exists a need for adequate funding to pay for financing costs and the growing need for preservation and restoration of the state highway system; and

WHEREAS, it is undeniable that a reliable, resilient and effective transportation system is essential to the state's long-term growth; and

WHEREAS, the current transportation revenue structure will not meet the pressing transportation funding needs over the next 30 years; and

WHEREAS, transportation is not just a state problem but rather, it transcends all levels of government in Idaho with almost 300 jurisdictions having some role in the state's transportation network, such that transportation funding needs must be addressed at all levels of government and jurisdictions; and

WHEREAS, federal funding cannot be relied upon to solve Idaho's transportation funding challenges; and

WHEREAS, Idaho's transportation funding must be addressed in a manner that is comprehensive and takes into full account changing fuel consumption patterns; and

WHEREAS, solutions to Idaho's transportation funding challenge will require innovative and perhaps nontraditional revenue sources; and

WHEREAS, a review of such issues should be done in a measured, deliberative manner, providing a wide array of policy options to move transportation funding forward for Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a gubernatorial task force is appropriate to consider both traditional and nontraditional sources of revenue for the maintenance and preservation of highways and bridges including, but not limited to, possible revisions to the rates, methods and manner of calculating any and all taxes, fees and registrations relating to fuels and motor vehicles and motor carriers.

BE IT FURTHER RESOLVED that the Idaho Legislature supports and will participate in the gubernatorial task force consisting of a total of fifteen members including five members from the Idaho Senate and five members from the Idaho House of Representatives.

BE IT FURTHER RESOLVED that the Idaho Legislature shall receive and consider reports and findings, recommendations and proposed legislation, if any, from the gubernatorial task force during the Second Regular Session of the Sixtieth Idaho Legislature.

[HCR 34](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 377
BY APPROPRIATIONS COMMITTEE
AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2010.

**HOUSE BILL NO. 378
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; AMENDING SECTION 4, CHAPTER 170, LAWS OF 2009, TO REDUCE THE APPROPRIATION FROM THE AMERICAN REINVESTMENT FUNDS AND INCREASES THE APPROPRIATION FROM THE PUBLIC EDUCATION STABILIZATION FUND; AMENDING SECTION 5, CHAPTER 170, LAWS OF 2009, TO TRANSFER DEDICATED FUNDING TO THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 1, CHAPTER 272, LAWS OF 2009, APPROPRIATING ADDITIONAL MONEYS FROM THE AMERICAN REINVESTMENT FUND AND REDUCING THE APPROPRIATION FROM THE GENERAL FUND; AMENDING SECTION 2, CHAPTER 272, LAWS OF 2009, TO TRANSFER DEDICATED FUNDING TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING AND TRANSFERRING GENERAL FUND MONEYS TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

[H 377](#) and [H 378](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

May 7, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 330](#), [H 331](#), [H 332](#), [H 333](#), [H 335](#), [H 341](#), [H 342](#), [H 343](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), and [H 371](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

May 7, 2009

Mr. Speaker:

I return herewith enrolled [H 226](#) and [H 334](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 226](#) and [H 334](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Report of Standing Committees

May 7, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 34](#), [H 377](#), and [H 378](#).

CLARK, Chairman

[HCR 34](#), [H 377](#), and [H 378](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1246](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1246](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1246](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [S 1246](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24),

Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that [S 1246](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1235](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1235](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1235](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [S 1235](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that [S 1235](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1239](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1239](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1239](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall [S 1239](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – Durst, Hart. Total – 2.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that [S 1239](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1225](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1225](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1225](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall [S 1225](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Kren. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that [S 1225](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [HCR 34](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [HCR 34](#) be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts,

Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [HCR 34](#) was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall [HCR 34](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 56.

NAYS – Barrett, Burgoyne, Harwood, Lake, Loertscher, Marriott, Schaefer. Total – 7.

Absent and excused – Boe, Clark, Higgins, Ringo, Shepherd(02), Shepherd(08), Trail. Total – 7.

Paired Votes:

AYE -- Nonini

NAY -- Schaefer

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [HCR 34](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 377](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 377](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 377](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall [H 377](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Barrett. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.
Total – 70.

Whereupon the Speaker declared that [H 377](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 378](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 378](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Durst. Total – 1.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.
Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 378](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall [H 378](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Boe, Clark, Higgins, Ringo, Schaefer, Shepherd(02), Shepherd(08), Trail. Total – 8.
Total – 70.

Whereupon the Speaker declared that [H 378](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

May 7, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [S 1150](#) and [S 1182](#), as amended, and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO S.B. NO. 1150

AMENDMENT TO SECTION 3

On page 2 of the printed bill, in line 40, delete "first class" and insert: "[certified](#)"; in line 41, delete "[officer](#)" and insert: "[agency](#)"; on page 3, in line 5, delete "[certified](#)" and insert: "[certified](#)"; and in line 6, delete "[first class](#)".

AMENDMENT TO SECTION 5

On page 4, in line 4, delete "[certified first class](#)" and insert: "[certified](#)".

AMENDMENT TO SECTION 8

On page 5, in line 17, delete "[certified first class](#)" and insert: "[certified](#)"; and in line 33, delete "[certified first class](#)" and insert: "[certified](#)".

AMENDMENT TO SECTION 10

On page 6, in line 43, delete "~~certified~~ first class" and insert: "certified".

CORRECTIONS TO TITLE

On page 1, in line 8, delete "OFFICER" and insert: "AGENCY"; in line 15, following "REFERENCE," insert: "AND"; in line 16, delete "AND TO REVISE PROVISIONS RELATING"; and in line 17, delete "TO NOTICE".

HOUSE AMENDMENT TO S.B. NO. 1150

AMENDMENT TO SECTION 3

On page 2 of the printed bill, in line 38, delete "twenty-four (24) hours" and insert: "five (5) working days"; in line 39, following "contacted" insert: "within such five (5) working days".

HOUSE AMENDMENT TO S.B. NO. 1182, As Amended

AMENDMENT TO SECTION 2

On page 3 of the engrossed bill, in line 6, following "49-402C." insert: "MOTOR VEHICLES –".

AMENDMENT TO SECTION 3

On page 4, in line 4, following "49-402D." insert: "MOTOR VEHICLES –"; and on page 5, delete lines 10 through 19.

We have also had under consideration [S 1137](#), report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Moyle.

Whereupon the Speaker declared the report adopted.

[S 1150](#) and [S 1182](#), as amended, were filed for first reading.

[S 1137](#) was retained on General Orders.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Friday, May 8, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 6:36 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk